

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -February 6, 2018**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Heinrich, Higgins, Klimko, Noone (*arrived at 7:10 p.m.*), Norris and Valle.

Absent: Thompson

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Deputy Mayor Heinrich led everyone in the flag salute.

Deputy Mayor Heinrich read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Deputy Mayor Heinrich stated they are deviating from the agenda for the time being as the Mayor stepped out briefly to attend a meeting next door.

MINUTES

Motion made by Valle and seconded by Klimko to approve the meeting minutes of regular meetings; Regular Meetings of January 2, 2018 (Re-Organization), January 16, 2018 & January 23, 2018.

ROLL CALL: Heinrich, Klimko, Norris and Valle

Ayes: 4, Nays: 0

Absent: Higgins, Noone and Thompson.

Motion carried.

COUNCIL APPEARANCE

Debbie Spinks, State St. recapped her past appearance at council meetings concerning State Street parking which was changed recently by ordinance. Ms. Spinks reviewed letter signed by her neighbors which she distributed.

Deputy Mayor Heinrich stated that the correspondence be accepted and filed and will have the Engineer look at what is presented. Another meeting with the Streets committee will revisit the issue.

A meeting with the Streets committee was set for Monday at 5:30 in which Ms. Spinks was invited to attend.

Ed Kerns, Willow St., discussed the remediation that is occurring on South Lincoln Ave through JCP&L. Mr. Kerns described what chemicals are being used on the property and voiced his concerns over the toxicity of the chemicals that JCP&L is spraying on the property. Mr. Kerns cited that there seems to be a lack of oversight by the DEP.

Deputy Mayor Heinrich stated he will look into the matter tomorrow and look on the DEP's website to get a name of the manager who is overseeing the case.

Hearing no further remarks from the audience, motion made by Heinrich and seconded by Klimko to close the public portion of the agenda, all were in favor.

REPORTS:

Motion was made by Klimko seconded by Valle to receive and file the following reports:

- Police-December 2017
- Manager's Report-January 2018

Ayes: 6 Nays: 0
Motion Carried.

NEW BUSINESS

1. Michele Beatty, Attorney for Elizabethtown Gas, inquired about the ordinance that is on the agenda for approval tonight. Attorney Parikh stated that this will go to the borough's insurance carrier and Engineer for review before its adopted, which will take place March 6th, if there is anything substantially changed or amended.
2. Appreciation to the honorees-BID Recognition Event-will be held this Thursday at the Draught House restaurant. Mayor Higgins asked to have a letter of appreciation expressed by the Borough for the BID, all were in consensus to have certificate of appreciation for the event.
3. Reappointment to the Planning Board: Patricia Post – Term expires: 01/01/2022
Dan Aron – Term Expires: 01/01/2022

Motion made by Heinrich and seconded by Noone to approve the above state re-appointments of Patricia Post and Dan Aron.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Noone and Valle.

Ayes: 5, Nays: 0
Abstain: Klimko
Absent: Thompson.
Motion carried.

4. Reappointment to the Board of Adjustment: Dan Aron, Alternate 1 Dan Aron – Term expires: 12/31/2018

Motion made by Noone and seconded by Klimko to approve the above state re-appointment of Dan Aron.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Noone and Valle.

Ayes: 6, Nays: 0
Abstain: Klimko
Absent: Thompson.
Motion carried.

5. Approval of Raffle licenses: RA-2018-1 & 2018-2 St. Joseph's Catholic Church-March 17th

Motion made by Klimko and seconded by Valle to approve the above state Raffle Licenses.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Noone and Valle.

Ayes: 6, Nays: 0
Abstain: Klimko
Absent: Thompson.
Motion carried.

CORRESPONDENCE

- WC Board of Chosen Freeholders: Amendment to the Warren County Solid Waste Management Plan
- Police Chief Cicerelle-Facebook Post

Motion made by Heinrich and seconded by Klimko to receive and file the above stated correspondences:

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Noone and Valle.

Ayes: 6, Nays: 0
Abstain: Klimko
Absent: Thompson.
Motion carried.

ORDINANCES

Motion made by Heinrich to introduce on first reading Ordinance 2018-01 motion seconded by Klimko. Public Hearing scheduled for March 6, 2018, all were in favor.

Motion made by Heinrich to approve on first reading Ordinance 2018-01 motion seconded by Klimko.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris and Valle.

Ayes: 6, Nays: 0
Abstain: Klimko
Absent: Thompson.
Motion carried.

EXHIBIT A

STATE OF NEW JERSEY COUNTY OF WARREN BOROUGH OF WASHINGTON

ORDINANCE 2018-01

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON GRANTING MUNICIPAL
CONSENT TO PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS
TO CONSTRUCT, MAINTAIN AND OPERATE GAS LINES FOR THE
DISTRIBUTION OF NATURAL AND MIXED GAS.**

WHEREAS, Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities, on January 18, 2018, filed a Petition with the Clerk of the Borough of Washington (the “Borough”) seeking renewal of the Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption throughout the Borough.

WHEREAS, the Washington Gas Company, a predecessor of Elizabethtown Gas was granted Municipal Consent to serve residents within the municipality and to construct, maintain, and operate a gas line for the distribution of natural and mixed gas in the Borough, pursuant to an Ordinance adopted on November 6, 1905, and that Municipal Consent expired ninety-nine years thereafter.

WHEREAS, representatives of the Petitioner appeared before the Mayor and Council to present their request for renewal of the Consent Ordinance within the Borough; and

WHEREAS, the Petitioner has provided public notice of such Petition through publication in the official newspaper of the Borough, and notices of such Petition have been posted pursuant to Statute.

WHEREAS, the Borough has determined that it is reasonable and necessary for Elizabethtown Gas, its successors and assigns, to continue to provide for construction, maintenance, and operation of a gas line for the distribution of natural and mixed gas in the entire Borough.

WHEREAS, the Borough desires to extend the municipal consent to Elizabethtown Gas under the terms set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington:

Section I. Grant of Municipal Consent.

The Borough of Washington hereby grants to Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at 520 Green Lane, Union, New Jersey 07083, its successors and assigns, a nonexclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the public roads, streets, avenues, ways, and other public places of the Borough to construct, lay, maintain, and operate for a period of fifty (50) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of conveying, storing, supplying and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along, in, or under the following described service area: all the public roads, streets, avenues, highways, and public places within the Borough as they now exist or may be hereinafter be laid out by the municipal authorities of the Borough or dedicated to the Borough.

Section II. Conditions on Grant of Municipal Consent.

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U.
- (c) Elizabethtown shall satisfy all Statutory requirements regarding the proper organization and operation of a Public Utilities engaged in the distribution of natural and mixed gas, and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinance of the Borough.
- (d) Elizabethtown shall construct and continuously maintain and operate their distribution line within the service area in a safe and efficient manner, and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Borough wherein its lines are located.
- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Borough shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Borough and no obligation is to attach for the construction, operation and maintenance of the said gas distribution system to the Borough.

Section III. Construction; Installation; Restoration.

- A. Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Municipal Ordinances, with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.
- B. Relocation. If at any time during the period of this Municipal consent, the Borough finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of Elizabethtown.
- C. Restoration. In the event that Elizabethtown shall refuse or neglect, after ten

(10) days notice in writing by the representative of the Borough, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other improvements after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Borough, and thereafter, Elizabethtown shall be liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Borough upon receiving notice thereof.

- D. **Preconditions to Undertaking Construction.** Elizabethtown shall give to the Borough, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Borough Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Borough of any emergency opening or excavation that Elizabethtown shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- A. **Indemnification.** Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Borough and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of mains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.
- B. **Performance Bond.** Prior to the commencement or any construction or installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Borough and subject to prior review and approval by the Borough Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Borough may require.
- C. **Liability Insurance.** Elizabethtown agrees to maintain and keep in full force

and effect, at its sole expense, and at all times during the terms and duration of this Municipal Consent, sufficient liability insurance naming the Borough as an additional insured party, and insuring and indemnifying the Township against any loss by any such claim, suite, judgment, execution or as follows:

- (a) Elizabethtown shall carry Workman's Compensation Insurance with Statutory limits.
- (b) Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00.
- (c) Elizabethtown shall furnish to the Borough a certified copy or Certificate of Insurance of each of the Policies as set forth herein.

Section V. Duration of Consent.

Term. The Municipal consent granted to Elizabethtown herein is for a period of fifty (50) years from the effective date of this Ordinance.

Section VI. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not affect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section VII. Effective Date.

This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Municipal Consent by Elizabethtown, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Borough Council of the Borough of Washington held on February 6, 2018 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Borough Council to be held on March 6, 2018, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Washington Borough Municipal Building; 100 Belvidere Avenue; Washington, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

RESOLUTIONS

Motion made by Noone and seconded by Valle to approve Resolutions 2018-25,26,27 and 28.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris and Valle.
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-25
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$668.34 for taxes or other municipal liens assessed for the year 2016 in the name of Beam, Roxann M. supposed owner, and in said assessment and sale were described as 180 W. Washington Ave., Block 10 Lot 2, which sale was evidenced by Certificate #17-00004; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-12-18 and before the right to redeem was cut off, as provided by law, Alta Residential Solutions, LLC, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$4,232.75 which is the amount necessary to redeem Tax Sale Certificate #17-00004.

NOW THEREFORE BE IT RESOLVED, on this 6th day of February 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$4,332.75** (This amount consists of \$4,232.75 Certificate Amount + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 10 Lot 2 from the tax office records.

RESOLUTION 2018-26
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$668.02 for taxes or other municipal liens assessed for the year 2016 in the name of Ashanti, Abdul-Shabazz as supposed owner, and in said assessment and sale were described as 102 Lenape Trail, Block 101 Lot 15.29, which sale was evidenced by Certificate #17-00036; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-22-18 and before the right to redeem was cut off, as provided by law, Servicelink, LLC claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital 7 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,065.03 which is the amount necessary to redeem Tax Sale Certificate #17-00036.

NOW THEREFORE BE IT RESOLVED, on this 6th day of February 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$3,065.03** (This amount consists of Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.29 from the tax office records.

RESOLUTION 2018-27
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 16, 2015 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$1,040.64 or taxes or other municipal liens assessed for the year 2014 in the name of Hart, Bradley & Jessica as supposed owners, and in said assessment and sale were described as 58 State Street, Block 13 Lot 8, which sale was evidenced by certificate #15-00005; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-29-18 and before the right to redeem was cut off, as provided by law, City National Bank claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$5,187.11 which is the amount necessary to redeem Tax Sale Certificate #15-00005.

NOW THEREFORE BE IT RESOLVED, on this 6th day of February 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$7,487.11** (This consists of \$5,187.11 Certificate Amount redeemed + \$2,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 13 Lot 8 from the tax office records.

RESOLUTION 2018-28
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$668.12 for taxes or other municipal liens assessed for the year 2016 in the name of Rick, Richard & Heather as supposed owners, and in said assessment and sale were described as 55 North Jackson Ave., Block 37 Lot 19, which sale was evidenced by Certificate #17-00014; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-31-18 and before the right to redeem was cut off, as provided by law, Giovanna VanValkenburg claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital 7 by paying the

Collector of Taxes of said taxing district of Washington Borough the amount of \$1,364.19 which is the amount necessary to redeem Tax Sale Certificate #17-00014.

NOW THEREFORE BE IT RESOLVED, on this 6th day of February 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,364.19** (This amount consists of \$1,364.19 Certificate Amount redeemed + \$1,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 37 Lot 19 from the tax office records.

Motion made by Noone and seconded by Valle to approve Resolution 2018-29.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris and Valle.
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-29
A RESOLUTION AUTHORIZING WAIVER OF INTEREST FOR BLOCK 4 LOT 12

WHEREAS, the property located Block 4 Lot 12, was tax exempt in 2017, and
WHEREAS, this property was sold during 2017, and
WHEREAS, the same caused this property to become taxable, and
WHEREAS, delay in placing this property on the tax roll caused the new resident to pay interest due to no fault of the resident;

NOW THEREFORE the Borough Council authorizes the Tax Collector to waiver the interest due on the property Block 4 Lot 12 in the amount of \$3.84.

Motion made by Noone and seconded by Valle to approve Resolution 2018-30.

Discussions: Councilman Norris' comments on social media was discussed. Councilman Norris apologized and added his comment was not how he meant it to be taken.

ROLL CALL: Heinrich, Higgins, Noone, and Valle.
Ayes: 4, Nays: 2 (Klimko & Norris)
Motion carried.

RESOLUTION 2018-30
**RESOLUTION EXPRESSING THE COUNCIL OF THE BOROUGH OF WASHINGTON'S
SUPPORT FOR THE WASHINGTON TOWNSHIP POLICE DEPARTMENT AND
CONFIDENCE IN CHIEF THOMAS CICERELLE AND FURTHER RESOLVING THAT
THE BOROUGH OF WASHINGTON IS NOT IN AGREEMENT WITH THE COMMENTS
OF COUNCILMAN KEITH NORRIS**

WHEREAS, since 2009 the Washington Township Police Department has served the Borough of Washington with honor, distinction, and compassion, protected the life, liberty, and property of

residents, and improved quality of life through community policing and comprehensive crime deterrence and reduction strategies; and

WHEREAS, Washington Township Police Chief Thomas J. Cicerelle has served with the department for thirty years with the utmost professionalism and dedication to the residents of the Borough of Washington, has demonstrated exemplary character and credibility as an effective leader; and

WHEREAS, Chief Cicerelle has distinguished himself during his six years of service as Deputy Chief and has continued to lead by example into his third year as Chief of the Washington Township Police Department; and

WHEREAS, on Monday, January 29th at 12:55 p.m. Councilman Keith Norris, in violation of the Borough of Washington Social Media Policy used profane language in a post on social media to disparage the reputation of the Washington Township Police Department and Chief Cicerelle by baselessly accusing the Police Chief of deliberately deceiving the public with regard to the level of service received by the Borough of Washington from the Washington Township Police Department; and

WHEREAS, the Borough of Washington Social Media Policy clearly states that the sole official social media presence and voice of the Borough is the official Borough Facebook page, and as such, comments by any other individuals in any other forum do not represent the views or opinions of the Borough; and

WHEREAS, the Council of the Borough of Washington seeks to uphold basic standards of decorum, civility, cooperation, and the proper channeling of communications between Borough elected officials and personnel while recognizing and respecting the First Amendment rights of free speech of the foregoing;

NOW THEREFORE BE IT RESOLVED, that the Council of the Borough of Washington, County of Warren, State of New Jersey does hereby affirm the utmost confidence in Chief Thomas J. Cicerelle and the entire Washington Township Police Department and is not in agreement with the above referenced comments made by Councilman Keith Norris.

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Noone to pay the vouchers and claims in the amount of \$1,647,789.54 from the current fund and \$ 105,036.00 from sewer.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris and Valle
Ayes: 6, Nays: 0
Absent: Thompson
Motion Carried.

RECAP

M. Hall recapped the following:

- Streets committee meeting with Kevin Smith at 5:30 PM on Monday. Residents from State Street will be invited.
- Wait for Deputy Mayor to follow up on the DEP contact for JCP&L site remediation on S. Lincoln.
- Work with Risk Manager and Engineer on the Elizabethtown Gas ordinance for recommended changes.

COMMITTEE REPORTS

Ordinance: Councilwoman Klimko gave an update on the meeting that was held regarding ordinances that need to be changed or added. Some of the ordinances considered were for cats and dogs and poultry. An engine breaking ordinance was previously passed but never advertised. Looking at brewery and distilleries for the borough. Recommendations from Matt Lopez are being looked at.

Senior Advisory: Councilwoman Klimko stated she is already receiving a lot of calls (30) regarding the senior trips for this year. Heinrich stated that a mailing needs to be done as he only received four sign ups so far.

COUNCIL REMARKS

Councilman Heinrich stated he has the utmost confidence in the police department and feels very safe and they have his support 100%.

Councilwoman Noone agreed with Councilman Heinrichs sentiments regarding the police.

Councilwoman Klimko discussed the garbage that is still sitting downtown, which is going on three or four weeks.

Councilman Norris stated he has confidence in the police department and again apologized. Councilman Norris discussed the snow ordinance and residents not moving their vehicles during snow storms.

Discussions ensued regarding priority of the police department with snow storms and resolving the lengthy process in towing cars.

Detective Teter took this time to address Councilman Norris and asked why if he is apologetic are his comments still online and asked why wasn't it removed. Councilman Norris responded that it never crossed his mind to remove it and didn't see the need to remove it. Detective Teter added that the apology doesn't make sense if the comments were not removed.

Attorney Parikh added that the borough's social media policy will need to be looked at and tightened up. A disclaimer should be put on social media every time you are posting to not bind other members of the governing body.

Councilman Heinrich agreed and added its not the proper forum.

Mayor Higgins stated he will contact Kevin Smith to bring plans to the meeting involving the Streets committee for Monday.

Mayor Higgins stated that the USDA is next door in the firehall giving a seminar on how to purchase homes to new homeowners and added that it is well attended.

Mayor Higgins stated that he is seeking permission for shared services discussion with surrounding municipalities on a formal basis and will bring back that information to Council. Areas of interest are sewer, purchasing, library and other things that can be shared.

Mayor Higgins recapped the meeting that was held in Trenton at the DEP office regarding the re-classification of the stream within the Borough and Township.

EXECUTIVE SESSION

A motion was made by Noone seconded by Valle to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:35 P.M. with a five-minute break.

Ayes: 6 Nays: 0
Motion Carried.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public
(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Norris seconded by Heinrich to come out of Executive Session at 9:20 pm.

Ayes: 6; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Heinrich seconded by Noone to adjourn the meeting at 9:20 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk